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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,589	04/17/2001	Shawn E. Wiederin	CDR-00-010	7867
25537	7590	11/30/2006	EXAMINER SMITH, TRACI L	
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,589

Applicant(s)

WIEDERIN ET AL.

Examiner

Traci L. Casler

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on September 7, 2006.

Claims 1-40 are pending.

Claims 1-40 are rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-9, 13-17, 21-25, 29-33 and 37-40 are rejected under 35

U.S.C. 103(a) as being unpatentable over US Patent Publication 20020115431 A1, Cox et al. Filing date November 20, 1996 hereinafter referred to as Cox in view of US Patent 6052439 Gerszberg et al. Hereinafter referred to as Gerszberg and in further view of of Non-patent literature "BOC Expands Directory Options" BOC Week, Jan. 13, 1992, hereinafter referred to as BOC.

3. As to Claims 1, 9, 17 and 33 Cox teaches a system and method of tracking directory assistance listings displayed to a user and billing information based on directory listings. (Pg. 4 ¶ 00045-00047 and Claim 7.) Cox fails to teach transmitting information associated with one or more directory listings to a client access device over the packet switched network in response to a query initiated by a customer, wherein the customer selects one or more of the director listings based on the information.

Gerszberg teaches information being sent to a customers device according to the customer query destination number.(C. 8 I. 18-24). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Gerszberg with Cox so as to give the user more control of how and what information they are receiving from the service. Cox and Gerszberg fail to teach a plurality of listing and charging for the plurality of listings. BOC teaches a system and method for directory assistance that allows users to receive multiple listings and a process for charging the user for multiple listings. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cox and Gerszberg with BOC so as to be able to receive the results that are provided and charge accordingly for the number of listings requested.

4. As to claims 5, 13, 21, 29 and 37 Cox teaches an enhanced directory assistance method and Gerszber teaches the directory service with user controlled query and specific type of information available(C. 7 I. 40-45) It would have been obvious at the time of invention to combine the teachings of Gerszberg with Cox as they are both systems and methods of directory assistance and Gerszberg gives additional "enhanced" information for the user to access.

5. As to claims 6, 14, 22, 30 and 38 Cox teaches a system and method of directory assistance and billing. Cox fails to teach a system and method that utilizes the internet network. Gerszberg teaches establishing protocol between networks (C. 4 I. 49-52). It would have been obvious to combine the teaches of Cox and Gerszberg at the time of invention to make the enhanced directories more accessible to the public.

6. As to claims 7, 15, 23, 32 and 39 Cox teaches a system and method determining a billing including flat rate charges for each directory assistance. (Pg. 1 ¶ 0006 middle of paragraph)

7. As to claims 8, 16, 24, 32 and 40 Cox teaches a system and method utilizing Directory Assistance Database Source available from US West, which is a Regional Bell Operating Company formed by the break up of AT & T in 1983. (Pg. 2 ¶ 0017.)

8. As to Claim 25 Cox teaches a system for tracking directory assistance listings and preparing and storing billing information into a database. (Pg. 4-5 Claim 7.) Gerszberg teaches information being sent to a customers device according to the customer query destination number.(C. 8 l. 18-24). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Gerszberg with Cox so as to give the user more control of how and what information they are receiving from the service. Cox and Gerszberg fail to teach a plurality of listing and charging for the plurality of listings. BOC teaches a system and method for directory assistance that allows users to receive multiple listings and a process for charging the user for multiple listings. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cox and Gerszberg with BOC so as to be able to receive the results that are provided and charge accordingly for the number of listings requested.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3629

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 2-4, 10-12, 18-20, 26-28 and 34-36 are rejected under 35 U.S.C. 103(a)

as being unpatentable over US Patent Publication 20020115431 A1, Cox et al in view

of US Patent 6456709 Gerszberg et al. as applied to claims 1, 7-9, 15-17, 23-25, 31-

33 and 39-40 above, in further view of US Patent 6,212,506 B1 Shah et al; April 3,

2001; Filing date September 16, 1997.

12. As to Claims 2, 10, 18, 26, 34 Cox and Gerszberg teaches a system and method

of directory assistance tracking and billing and the information including directory

information. However, Cox and Gerszberg fails to teach the method of receiving the

request and transmitting billing information. Shah teaches a system and method of a

customer database used to determine rates for calls and routing information. (C. 4 L.

23-25 and 31-33 C. 3. I. 50-55). It would have been obvious to combine the teaches of

Cox and Gerszberg with Shah at the time of invention as being able to determine call

rates before placing the call saves customers from accumulating additional charges on their bills.

13. As to claims 3-4, 11-12, 19-20, 27-28 and 35-36 Cox teaches a system and method of directory assistance tracking and billing. However, Cox fails to teach the method of delivery. Shah teaches a system and method where information can be delivered via fax or computer. (C. 3 L. 13-15.) It would have been obvious to combine the teaches of Cox with Shah at the time of invention as different individuals different preferences as to type of billing delivery.

Response to Arguments

14. Applicant's arguments filed September 7, 2006 have been fully considered but they are not persuasive.

15. As to applicants arguments that the prior art fails to teach "plurality of directory listings in response to a selection to a selection:" The applicant argues that the reference used in combination with COX fails to "enable" one of ordinary to make and used the features. The applicant states that the reference teaches with "will be able to be done" but not how to perform it. The examiner ascerts the teaching is implied and one of ordinary skill in the art would know how to perform the billing process as described in the BOC reference. The reference states users are allowed two directory listings per call for the thirty cents and 30 cents for each additional listing after that, therefore one of ordinary skill in the art would know that the user has requested 4 listing, therefore the cost would be 30 cents for the first two listings, 30 cents for the third listing and 30 cents for the fourth listing for a total of 90 cents. T

16. The applicant further argues that Cox makes the cellular carrier being responsible for the rate of calls rather than the directory assistance service provider.

The examiner notes the applicant does not specify who is responsible for the billing process. Applicant merely claims a general billing process which could be performed by a third party, a directory assistance, a cellular carrier and/or a long distance service provider.

17. As to applicants arguments that the reference are not teaching "in response to selection" etc. The examiner notes, that as BOC is charging the user for several directory listings it is implied that the user has previously selected the multiple listings. Why else would the BOC charge the user? The user can't be charged in advance as BOC would not be able to predict how many listings all their users will be requesting.

18. As to applicants arguments regarding Claims 2-4, 10-12, 18-20, 26-28 and 34-36 the applicant fails to identify why they believe a prima facie case of obviousness has not been established. As well as the applicant further fails to argue why the instant applicant differs from the prior art of record. The applicants attention is further drawn to C 3. I. 50-55 of Shah which expands on the customer rate database.

19. As to applicants allegations that the dependent claims have been show allowable on their own merit via the applicants response on April 3, 2006, pgs. 16-17. The examiner notes that currently none of the pending claims have been identified allowable by the office. Applicants allegations of allowable subject matter does not deem the claims allowable.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

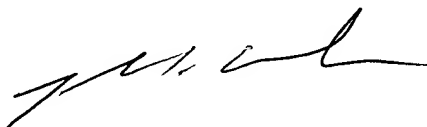
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC



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